Law Reform Commission

Thirty-fifth Annual Report 2005-2006

Manitoba
Law Reform
Commission

Manitoba

Law Reform Commission

Commission de réforme du droit

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THIRTY-FIFTH ANNUAL REPORT

2005-2006

March 31, 2006

The Manitoba Law Reform Commission was established by *The Law Reform Commission Act* in 1970 and began functioning in 1971.

Commissioners:

Clifford H.C. Edwards, Q.C., *President*
John C. Irvine
Hon. Mr. Justice Gerald O. Jewers
Kathleen C. Murphy
Alice R. Krueger

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Sandra D. Phillips

Administrator:

Suzanne Pelletier (retired March 31, 2006)
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The Department of Justice, Government of Manitoba

and

The Manitoba Law Foundation

Copies of the Commission's Reports may be ordered from the Publications Branch, Office of the Queen's Printer, 200 Vaughan Street, Winnipeg, MB R3C 1T5; however, some of the Commission's Reports are no longer in print.

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THE COMMISSION'S MANDATE

The Manitoba Law Reform Commission is an independent agency of the Government of Manitoba established by *The Law Reform Commission Act*. The Commission's duties are to inquire into and consider any matter relating to law in Manitoba with a view to making recommendations for the improvement, modernization and reform of law, including:

- the removal of provisions of the law which are outdated or inconsistent;
- the maintenance and improvement of the administration of justice;
- the review of judicial and quasi-judicial procedures under any Act; and
- the development of new approaches to and new concepts of law in keeping with and responsive to the changing needs of society and of individual members of society.

MANDAT DE LA COMMISSION

La Commission de réforme du droit du Manitoba est un organisme indépendant du gouvernement du Manitoba, établi en vertu de la *Loi sur la Commission de réforme du droit*. La Commission a pour fonctions de faire enquête sur les questions se rapportant au droit manitobain et de les étudier en vue de faire des recommandations pour améliorer, moderniser et réformer le droit, et notamment en vue:

- de supprimer les dispositions du droit qui sont désuètes ou incompatibles;
- de soutenir et d'améliorer l'administration de la justice;
- d'examiner les procédures judiciaires et quasi-judiciaires prévues par une loi quelconque;
- d'élaborer de nouvelles méthodes et de nouveaux concepts de droit correspondant à l'évolution des besoins de la société.

PART I

INTRODUCTION

We noted in our last Annual Report that Prof. Edwards had submitted his resignation as President effective June 30th, 2005. Unfortunately, a replacement has not yet been found and, as a result, Prof. Edwards continues to serve for the time being. We have received assurances from both the Minister and his Deputy that the matter is being actively pursued. We hope that a new appointment will be forthcoming in the immediate future.

Prof. Edwards was appointed Chair of the Manitoba Law Reform Commission on July 1st, 1979 until the present with a short break in 1988. Needless to say, during that time, the Commission has been traveling a rocky road. The Commission was nearly abolished in 1987-88 and again in July 1997. In both those instances it survived due mainly to Prof. Edwards's driving force. Although now operating as a mere shell of its former self, its existence is certainly due to Prof. Edwards's never-ending commitment to law reform. He has spent the last 8 ½ years working at obtaining sufficient funds from the Manitoba Law Foundation and the provincial Department of Justice to allow the Commission to continue its operations. During that time, he has also cajoled many of his colleagues at the Faculty and as well as friends in other parts of the country to undertake projects for the Commission for paltry sums.

Although one of Prof. Edwards's major regrets on leaving the Commission is the lack of implementation of some of its more recent reports, during his chairmanship, the Commission submitted over 70 formal reports and several informal reports to the Minister of Justice. Of these, more than 80 percent have been implemented into legislation spanning a wide variety of topics including: political financing and voter registration, mechanics' liens, judgments and executions, wills and estates, conflict of interest, survivorship, administrative and trust law, the structure of the courts, family law, powers of attorney, regulating professions and occupations and the conduct of class proceedings, to name but a few.

He will be greatly missed and the task of finding a replacement has not been an easy one.

It is also with regret that we report that Suzanne Pelletier, our Administrator, retired on March 31st, 2006 after more than 35 years of faithful service with the Commission.

As Commission secretary and later administrator, Suzanne was efficient, diligent and competent. She has been the mainstay of the Commission, keeping everything (and everyone) going and on-track. Not only has her work been exemplary but her dedication to the many people she has worked with over the years has been truly remarkable.

Suzanne has been the heart and soul of the Commission, a friend and confidante to many and, as one former colleague says, the rare kind of fellow worker who stays in the memory years later as a warm and re-assuring presence. She kept the office running smoothly and took care of everyone, with patience, always with good grace and a great sense of humour.

It is no exaggeration to say that her loyalty and diligence in the face of numerous challenges has helped to keep the flame of law reform alive in Manitoba. Indeed, following the radical changes to the Commission in 1997, Suzanne continued for several years as the lone staff member and her background knowledge and experience have played a large role in the Commission's ability to function in its reduced state. We have been fortunate to have a person who has given dedicated service far beyond the call of duty of an administrator.

We are very grateful to Suzanne for her many years of outstanding service to the Commission and the people of Manitoba. We cannot be happy to lose her but we are happy for her as she begins her well-deserved retirement.

PART II

THE YEAR IN REVIEW
April 1, 2005 to March 31, 2006

1. REPORTS ISSUED

#111 - Costs Awards in Civil Litigation (September 2005)

The Commission undertook this project in response to a request from the Court of Queen's Bench Statutory Rules Committee.

In Manitoba courts, it is customary for successful litigants to be awarded partial indemnification for their legal expenses. Over time, however, the system for calculating the amount of such awards has ceased to bear much resemblance to the actual expenses incurred so that the level of indemnification achieved by the current tariff is extremely low. The Commission has made 15 recommendations which, it is hoped, will narrow the widening gap between actual expenses and costs awards.

Any system for awarding costs must balance a number of often contradictory goals. Most obviously, these include indemnification of successful litigants and deterrence of frivolous or unmeritorious litigation. Other goals include simplicity and clarity of the rules, encouragement of settlement, facilitation of access to justice and flexibility of implementation.

It is hoped that the Commission's recommendations, when adopted, will enable these disparate goals to be balanced more appropriately in Manitoba and perhaps serve as a model for other Canadian jurisdictions.

We are most grateful to Mr. Jonathan G. Penner, an independent researcher, for undertaking this project. As with other projects undertaken for the Commission by Mr. Penner, he has proved once again to be a valuable asset to us in reaching our final conclusions.

#112 - Review of The Garnishment Act (December 2005)

In response to a reference from the Minister of Justice and Attorney General, the Commission made 30 recommendations aimed at modernizing and improving the garnishment remedy in Manitoba. Garnishment is a process by which a creditor attaches money owed by a third person, such as an employer, to a debtor.

In the Commission's view, a just and efficient civil enforcement system requires

balancing of competing goals and interests. Creditors need a fast, easy and inexpensive process to collect debts; debtors require protection from destitution; and everyone needs clear directions in order to fulfil obligations. To meet these needs, the Commission proposes legislative reform permitting garnishment of a broader range of the debtor's assets, such as monies in joint bank accounts and payments from registered pension plans, increasing the debtor's minimum monthly exemption and providing clearer instructions to all parties by updated and simplified legislative provisions.

In our view, implementation of these recommendations will result in an appropriate balance between fairness and efficiency and between the interests of debtors, creditors and others touched by the enforcement process.

We are most grateful to Messrs. James Edmond and Sacha Paul, practitioners in the firm of Thompson, Dorfman, Sweatman, who undertook this project and for their detailed and comprehensive analysis of the current law and suggestions for reform which were of great assistance in reaching our final conclusions. It should be noted, however, that the recommendations contained in the report are those of the Commission and are not necessarily in agreement with those of our consultants.

We also wish to thank representatives of the Family Law, Civil Litigation and Maintenance Enforcement Branches of the Department of Justice who met with members of the Commission to review proposed changes to the law and assisted us in reaching our final conclusions.

The full text and executive summaries of both of these Reports can be found on our website at http://www.gov.mb.ca/justice/mlrc/

2. IMPLEMENTATION

As mentioned in our last Annual Report, Bill 11, *The Provincial Court Amendment Act (Justices of the Peace)* was introduced in December 2004. The Bill received Royal Assent on June 9, 2005. It implements recommendations contained in Report #75, *The Independence of Justices of the Peace and Magistrates* (1991).

Although we continue to urge the Minister to implement our recommendations, especially those relating to wills and estates (Report #108, 2003), compensation for vaccine damaged children (Report #104, 2000), trusts (Report #101, 1999) and privity of contract (Report #80, 1993), no legislation has been introduced in these areas. Our concern over this lack of implementation was best described in the words of Mr. Justice Michael Kirby in December 2005. Justice Kirby was Foundation Chairman of the Australian Law Reform Commission, and during the decade he headed the organization, he pioneered law reform philosophies and practices that are now considered standard operating procedure for law reform agencies

internationally. Commenting on the Australian Commission's work on the Human Genome Project, he stated:

> When work of such quality can be done by law reformers ... we surely must know that we are on the right track. But all too often, law reform proposals go to the bottom of the ministerial and legislative pile.
>
> They secure much less attention than the political ideas and personality and party schemes that dominate contemporary politics. Occasionally, law reform proposals are swiftly implemented. However, even areas in the most obvious need for attention, reform efforts sometimes lie fallow - not for reasons of political opposition but sheer indifference and institutional failure.[1]

3. CURRENT PROJECTS

A. Powers of Attorney

This is a joint project of the Alberta Law Reform Institute, the British Columbia Law Institute, the Manitoba Law Reform Commission and the Saskatchewan Law Reform Commission (the "Western Canadian Law Reform Consortium").

As stated in the Consortium consultation paper issued in April 2004 entitled *Enduring Powers of Attorney: Areas of Reform*,

> Enduring powers of attorney are a useful planning tool for many Canadians. Reform initiatives must take into account the need to minimise complexity and costliness, keeping the enduring power of attorney as simple, private and user friendly as possible. At the same time, however, certain issues have arisen with regard to enduring powers of attorney which have negatively affected their usefulness for donors. The first of these is the problem of non-recognition, which may affect all powers of attorney but which is especially problematic for the donor of an enduring power of attorney who is now incapable. Second, misuse may result where an attorney does not understand the scope and nature of an attorney's duties. Lack of oversight where the donor is incapable increases the likelihood that misuse will go unchecked. Finally, third parties such as banks have indicated their concerns about how to proceed where an attorney's actions raise concerns about how an enduring power of attorney is being used.

Written responses to the consultation paper were received by the participating agencies

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[1] Comments of Justice M. Kirby, Sydney, Australia, at the launch of B. Opeskin and D. Weisbrot, *The Promise of Law Reform* (2005), a volume of specially commissioned essays from leading legal, political and academic figures around the world, published to mark the 30th anniversary of the Australian Law Reform Commission.

and the Alberta Institute also met with various stakeholders groups in Alberta. Following the close of consultations, the working group, comprised of Arthur Close, Q.C. and Laura Watts of the British Columbia Institute, Peter Lown, Q.C. and Sheryl Pearson of the Alberta Institute, Merrilee Rasmussen of the Law Reform Commission of Saskatchewan and our legal counsel, Sandra Phillips met several times by teleconference and once in Vancouver to formulate policy recommendations aimed at resolving problems described in the consultation paper or identified in the consultation process.

As new issues were identified during the consultation phase, the working group agreed to engage in further and more focused consultation, seeking the input of persons and organizations with expertise in dealing with enduring powers of attorneys. In Manitoba, representatives of the Public Trustee, Seniors and Healthy Aging Secretariat, the Manitoba Bar Association (Elder Law and Wills and Estates Sections), Community Legal Education Association, Alzheimer Society, Winnipeg Land Titles Office, Credit Union Central of Manitoba, Concordia Place, Winnipeg Regional Health Authority Palliative Care Subprogram, Lion's Manor, the Long Term Care Association and the Protection of Persons in Care Office attended two meetings in August and provided valuable comments on the proposed policy reforms. Taylor McCaffrey graciously lent us the use of their large boardroom for our focus group meetings.

Results of the consultations in each province were collated by the Alberta Institute legal counsel and the working group met again by teleconference in September to finalize the policy recommendations which were presented at the first conference of the Canadian Centre for Elder Law Studies in October 2005, in Vancouver, B.C. Sandra Phillips participated as a panelist, along with other members of the working group, at the workshop on enduring powers of attorney reform. Preparation of the final report has been delayed as Ms. Pearson is on maternity leave.

B. Private Title Insurance

After Alberta withdrew from the project due to differing priorities, the Saskatchewan and Manitoba Law Reform Commissions jointly issued a consultation paper in June 2005. Eighteen written submissions were submitted and we have now retained Jonathan Penner, an independent researcher, to prepare a draft report in consultation with our legal counsel, Sandra Phillips and with Michael Finley, Director of Research for the Saskatchewan Law Reform Commission. Once completed, the draft report will be considered by both commissions prior to the issuance of the final report.

C. Development Schemes

The Commission is considering amendments to *The Real Property Act* to allow the owner or owners of two or more parcels of land to register a scheme of building restrictions by unilateral declaration. The proposed amendment was initially suggested by Mr. Edward (Ned) D. Brown, a member of the practising bar in Winnipeg. We wish to thank Mr. Brown and the staff of the Property Registry for their assistance during this project and, in particular, Registrar

General and Chief Operating Officer, Richard Wilson, Deputy Registrar General and District Registrar of the Winnipeg Land Titles Office, Barry Effler and Senior Deputy District Registrar of the Winnipeg Land Titles Office, Russell Davidson.

A draft report was approved in principle by the members at their meeting in late March and the final report is expected in June 2006.

D. *The Perpetuities and Accumulations Act* Review

In 2004, the Registrar General of The Property Registry brought to our attention a possible conflict which has arisen between section 4 of *The Perpetuities and Accumulations Act* and section 81 of *The Real Property Act* with respect to the entry of a trust on the land titles register. This occurred as a result of the implementation of an earlier recommendation in our Report on *The Trust Provisions in The Perpetuities and Accumulations Act*.[2] Unfortunately, due to lack of resources and priority of other projects, the project has been put on hold.

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[2] Manitoba Law Reform Commission, *The Trust Provisions in The Perpetuities and Accumulations Act* (Report #89, 1995) 7.

PART III

ADMINISTRATION

1. THE COMMISSIONERS

The current members of the Commission and their terms of office are as follows:

Commissioner	Affiliation	Term expires
Clifford H.C. Edwards	Dean Emeritus, Faculty of Law, University of Manitoba	May 9, 2002
John C. Irvine	Professor, Faculty of Law, University of Manitoba	August 20, 2006
Gerald O. Jewers	Justice, Court of Queen's Bench	May 9, 2002
Kathleen C. Murphy	Practising lawyer	August 20, 2006
Alice R. Krueger	Lay member	April 3, 2005

The terms of office of Prof. Edwards, Mr. Justice Jewers and Ms Krueger continue in force until new appointments have been made or their terms have been extended through Order in Council.

In our last Annual Report we stated that Prof. Edwards, President of the Commission, submitted his resignation effective June 30, 2005. However, as that date quickly approached, it became obvious that an appointment would not be forthcoming. He therefore agreed to continue serving until a new chair had been appointed and extended his resignation date to March 31st. We can only hope that an appointment will be forthcoming in the very near future.

During the past year, the Commission held 10 regular meetings and the President has met with the Minister of Justice and Attorney General, the President of the Manitoba Law Foundation and the Dean of the Faculty of Law, on several occasions.

2. STAFF

As noted above, Suzanne Pelletier officially retired as the Commission's Administrator on March 31st, 2006.

However, the Commission was fortunate in retaining Debra Floyd to replace Suzanne as the Commission's Administrator on February 1st, 2006. With over 20 years of experience in the Department of Justice, having worked in programs dealing with victim/witness assistance, compensation for victims of crime, women's advocacy, community and youth corrections, as well as in the Assistant Deputy Minister's and the Crown Attorneys' offices, has made for a very smooth transition. Debra will be working on a part-time basis and we look forward to working with her in the future.

Sandra Phillips, our Legal Counsel, is engaged full time. Her main focus has been on the Private Title Insurance project, acting as liaison between us the Saskatchewan Commission and our outside consultant, Jonathan Penner. She also acts as liaison with the Western Canadian Law Reform Consortium on the powers of attorney project. As well, she is preparing the final report on development schemes.

We were also fortunate in retaining Sandra DiCurzio to assist our Legal Counsel on various projects. Her duties included acting as Recording Secretary for special meetings and bluebooking footnotes in projects nearing completion.

During the summer months, we retained Michael Bodner, a law graduate from the Faculty of Law, University of Manitoba, who assisted us in the completion of the report on garnishment as well as the consultation paper on private title insurance. Mr. Bodner left us in September to clerk for Justice Eleanor Dawson, a judge of the Federal Court of Canada and former member of our Commission.

3. CONSULTANTS

We wish to take this opportunity of offering our thanks to Prof. Philip Osborne of the Faculty of Law, University of Manitoba, and Mr. Jonathan Penner, an independent researcher, and acknowledge their expert assistance on the substitute consent to health care project. Needless to say, both Prof. Osborne and Mr. Penner have been our saving grace especially since our near demise in 1997. Prof. Osborne has been engaged on several Commission projects over the past several years including privity of contract, pre-contractual misstatements, minors' consent to health care, compensation for vaccine-damaged children, good faith and the individual contract of employment, to name but a few. Mr. Penner has also provided much needed assistance on projects dealing with small claims, class proceedings, conflict of interest, informal assessment of competence, substitute consent to health care and costs awards. He has now been retained to assist in the completion of our project on private title insurance. We wish to thank both Prof. Osborne and Mr. Penner for their continued support of the Commission's work.

As noted above, Messrs. James Edmond and Sacha Paul continued to provide us with their input on the garnishment project until its submission to the Minister, for which we are most grateful. We also wish to thank Mr. Edward Brown, practising lawyer, and Messrs. Richard

Wilson, Barry Effler and Russell Davidson, of Land Titles, who continue to work with us on our projects on development schemes and private title insurance.

Also, as noted above, we wish to thank Joan MacPhail Q.C. and Sharyl Thomas of the Family Law Branch. Marjorie Webb and Sean Boyd of the Civil Litigation Branch, Edward Haluschak, Provincial Registrar of the Court of Queen's Bench and Darlene Baker, Darlene Baker, Director of the Maintenance Enforcement for their input on the garnishment project.

4. FINANCE

As will be seen from Appendix A, our financial position has improved over the past year. We wish to thank both the Department of Justice and the Manitoba Law Foundation for their continued support of our work.

5. PUBLIC RELATIONS

In May 2005, Ms Phillips and Ms Pelletier attended a law reform workshop in Kananaskis, Alberta, sponsored by the Federation of Law Reform Agencies of Canada (FOLRAC). The only cost incurred by the Commission was for air transportation. The remainder of the costs were subsidized by the Law Commission of Canada and the Alberta Law Reform Institute. This workshop provided the participants with the opportunity to explore differences, commonalities and possible opportunities for collaboration. Reference can be made to an article by Mary Bowen, Administrator with the Law Reform Commission of Nova Scotia, which appeared in *The Lawyers Weekly* on July 8, 2005, which provides an overview of the two-day workshop.[1]

> What emerged in workshop meetings was the members' continuing will to represent the people of their provinces ... by ongoing examination of the laws and recommendation to lawmakers for change. ... [S]uccessful law reform requires an interested public, a willing government and skilled professionals knowledgeable in the law, [the question is] how do we bring these players to the table?

In the final analysis, it was agreed that the workshop was a success, providing participants with the opportunity to meet other people involved in law reform and to discuss commonalities as well as differences in approach. Network building, exchanging of ideas, mentoring also proved to be of great value.

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[1] M. Bowen, *Comment: It was Kananaskis country for FOLRAC*, The Lawyers Weekly (July 8, 2005) 3.

In September, Sandra met with members of the Protection for Persons in Care Office to discuss the joint project on enduring powers of attorney. In October, she participated as a panellist at the Canadian Centre for Elder Law Studies conference in Vancouver.

The release of our reports on costs awards and garnishment resulted in interviews on CJOB radio as well as articles in the *Winnipeg Free Press* in October 2005 and February 2006.

PART IV

CONCLUSION

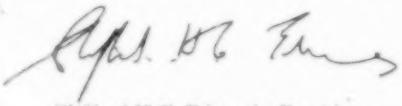
We are again grateful to the Manitoba Law Foundation for its continued support of the Commission work and to the Department of Justice for increasing its funding for this year which resulted in a matching grant with that of the Foundation.

We wish to thank the staff of the Department of Justice, the Faculty of Law, Provincial Archives and Legislative libraries, and the staff of the Property Registry (Land Titles Office) for their assistance over the past year.

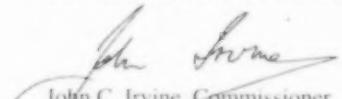
We also wish to thank the Deputy Minister, Mr. Ron Perozzo and his predecessor, Mr. Bruce MacFarlane, as well as Mary Miles who have been most helpful in providing a liaison between the Commission and the Minister in the last year.

And finally, we wish to thank the Minister of Justice and Attorney General, Hon. Gord Mackintosh, for his continued support.

This is a report pursuant to section 15 of *The Law Reform Commission Act*, C.C.S.M. L95, dated this 31st day of March 2006.

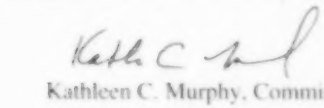


Clifford H.C. Edwards, President

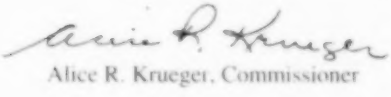


John C. Irvine, Commissioner

Gerald O. Jewers, Commissioner



Kathleen C. Murphy, Commissioner



Alice R. Krueger, Commissioner

APPENDIX A

Statement of Receipts and Expenditures 2005-2006 Fiscal Year
(000's)

RECEIPTS

Funds carried forward	$ 47.8
Grant from Department of Justice	85.0[1]
Grant from The Manitoba Law Foundation	100.0
Total	**$232.8**

EXPENDITURES

Commissioners' remuneration and benefits	$48.1[2]
Legal counsel's remuneration	60.0
Administrator's remuneration	41.1[3]
Student	5.5
Consultants	18.7
Telephone, fax, postage, courier	3.7
Supplies and service	0.7
Printing and photocopying	6.5
Computer related expenses	5.0
Meetings, travel and accommodation	1.4
Subscriptions and other operating	0.5
Membership fees	0.9
Total	$192.1
Surplus(Deficit)	**$40.7**[4]

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[1] After many years of requesting that the Department provide at least a matching grant to that of the Manitoba Law Foundation, this year's increase of $15,000 has finally reached that objective. The $85,000 grant coupled with $15,000 in-kind services provided by the Department of Justice for accounting services and office accommodation, brings the total grant from the Province to $100,000.

[2] This includes an honorarium of $10,000 paid to the President in recognition of his many years of service to the Commission.

[3] This figure represents administration fees for both Suzanne Pelletier and Debra Floyd during the months of February and March 2006 as well as the paid out vacation and severance paid to Suzanne on her retirement at the end of March 2006.

[4] As noted in previous reports, we carry forward a balance of at least $25,000 each year as the last installment payment from the Manitoba Law Foundation is not received until March 31st each year. The remaining $15,000 represents the outstanding amount of our consultancy contract on the Private Title Insurance project.

APPENDIX B

REPORTS OF THE MANITOBA LAW REFORM COMMISSION AND THEIR IMPLEMENTATION

Report #	Title	Date	Implementation of Commission's Recommendations
#1	Jury Services for Registered Indians	April 7, 1971	An Act to Amend The Jury Act, S.M. 1971, c. 32
#2	Summary Disposition of Builders' and Workmen's Liens	April 13, 1971	An Act to Amend The Builders and Workmen Act, S.M. 1976, c. 22
#3	Disposition of Maintenance Judgments in Land Titles Offices	May 25, 1971	An Act to Amend The Judgments Act, S.M. 1972, c. 4
#4	An Act Respecting Billiard and Pool Rooms proposed repeal	October 19, 1971	The Statute Law Amendment Act (1974), S.M. 1974, c. 59 (s. 8)
#5	Recommended Right of Mortgagors to Obtain Annual Statements	October 19, 1971	An Act to Amend The Mortgage Act, S.M. 1971, c. 28
#6	Enactment of a Mineral Declaratory Act	December 20, 1971	The Sand and Gravel Act, S.M. 1972, c. 34 An Act to Amend The Mines Act, S.M. 1972, c. 70 (s. 11) An Act to Amend The Real Property Act, S.M. 1972, c. 70 (ss. 15 and 16)
#7	Powers of Entry, Search and Seizure in The City of Winnipeg Act	January 24, 1972	An Act to Amend The City of Winnipeg Act, S.M. 1972, c. 93 (ss. 26, 37, 68, 69, 89 and in part ss. 38, 39 and 63)
1A	Auto Engine Numbers in Section 11 of The Bills of Sale Act	May 11, 1971	The Statute Law Amendment Act, S.M. 1972, c. 81 (s. 3)
1B	(a) Prospect of Mortgagor's Relief from Provisions of Section 20(6) of The Mortgage Act	December 29, 1971	(change not recommended)
	(b) Right to Have Mortgage Discharged Upon Payment in Full After Five Years	December 29, 1971	An Act to Amend The Real Property Act, S.M. 1972, c. 37 (s. 103(1))

Report #	Title	Date	Implementation of Commission's Recommendations
1C	Amending provisions as to costs in Part II of The County Courts Act to avoid inconsistency with intent of this new legislation	January 12, 1972	An act to Amend The County Courts Act, S.M. 1972, c. 38
	First Annual Report	March 13, 1972	(not applicable)
#8	Section 45 of the Offenses Against the Person Act, 1861	July 27, 1972	An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13
#9	A Review of The Privacy Act with proposed Amendments to the Criminal Code of Canada	September 11, 1972	(change not recommended)
#10	The Abolition of Interspousal Immunity in Tort	December 19, 1972	An Act to Amend The Married Women's Property Act, S.M. 1973, c. 12; An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13; An Act to Amend The Criminal Injuries Compensation Act, S.M. 1973, c. 23
2A	Comments on draft Bill to Amend The Jury Act	April 21, 1972	An Act to Amend The Jury Act, S.M. 1972, c. 56
2B	Relaxation of Limit of Number of Trustees under The Trustee Act	June 22, 1972	An Act to Amend The Trustee Act, S.M. 1972, c. 60
2C	Uniformity of Definition of Age as between The Age of Majority Act (Man.) And the Criminal Code and the Interpretation Act (Can.)	August 14, 1972	(not applicable for provincial amendment)
2D	Automatic Attachment of Wages for Maintenance Orders	November 27, 1972	An Act to Amend The Garnishment Act, S.M. 1974, c. 8
	Second Annual Report	March 20, 1973	(not applicable)
#11	The Advisability of a Good Samaritan Law	March 8, 1973	(change not recommended)
#12	Section 110 of The Real Property Act - the immortal Manitoba mortgage	April 11, 1973	An Act to Amend The Real Property Act, S.M. 1974, c. 44
#13	Pre-licensing Education for Real Estate Agents in Manitoba	December 3, 1973	An Act to Amend The Real Estate Brokers Act, S.M. 1975, c. 23

Report #	Title	Date	Implementation of Commission's Recommendations
#14	Special Enduring Powers of Attorney	January 8, 1974	The Powers of Attorney Act, S.M. 1980, c. 4
#15	Administration of Justice Part I - Control of Post-arrest/pre-trial detention	February 26, 1974	Administration of the Public Safety Building in Winnipeg assumed by the Province of Manitoba, effective October 1, 1977; now called The Winnipeg Remand Centre
3A	Conferring of matrimonial jurisdiction upon a County Court Judge as a local Judge of The Queen's Bench within the Eastern Judicial District	March 30, 1973	An Act to Amend The Queen's Bench Act, S.M. 1978, c. 28
3B	Correcting recent error in s. 51 of The Queen's Bench Act	September 26, 1973	An Act to Amend The Queen's Bench Act, S.M. 1974, c. 15
3C	Conferring jurisdiction to extend time for payment of fines upon provincial judges other than those who imposed such fines	October 16, 1973	(not applicable for provincial enactment)
3D	Up-dating index to Statutes of Manitoba	October 23, 1973	Indexing commenced; computer search of statutes available
3E	Repeal of Section 212 of The Liquor Control Act	December 19, 1973	Substantial acceptance under s. 16 of An Act to Amend The Liquor Control Act, S.M. 1974, c. 63
	Third Annual Report	April 1, 1974	(not applicable)
#16	Definition of Death	May 6, 1974	An Act to Amend The Vital Statistics Act, S.M. 1975, c. 5
#17	An International Form of Wills for Manitobans	May 6, 1974	An Act to Amend The Wills Act, S.M. 1975, c. 6
#18	The Rule in Saunders v. Vautier	January 8, 1975	An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38 (s. 4)
#19	The Administration of Justice in Manitoba Part II - Review of The Jury System	February 11, 1975	An Act to Amend The Jury Act, S.M. 1977, c. 18
4A	Interprovincial Subpoenas	January 27, 1975	The Interprovincial Subpoena Act, S.M. 1975, c. 3

Report #	Title	Date	Implementation of Commission's Recommendations
4B	Enforcement of Custody Orders	January 27, 1975	The Extra-Provincial Custody Orders Enforcement Act, S.M. 1975, c. 4
4C	Statutory Sums	February 11, 1975	Various amendments to Manitoba statutes
	Fourth Annual Report	April 9, 1975	(not applicable)
#20	The Highway Traffic Act	June 16, 1975	An Act to Amend The Highway Traffic Act, S.M. 1977, c. 34 An Act to Amend The Highway Traffic Act and The Tortfeasors and Contributory Negligence Act, S.M. 1980, c. 19
#21	The Administration of Justice in Manitoba Part III - Consolidation of Extra-Provincial Judgment Enforcement	January 28, 1976	
#22	Some Aspects of Fire Insurance Legislation in Manitoba	February 9, 1976	An Act to Amend The Insurance Act, S.M. 1982, c. 11 (s. 1)
#23	Family Law - Part I The Support Obligation	February 27, 1976	The Family Maintenance Act, S.M. 1978, c. 25
#24	Family Law - Part II Property Disposition	February 27, 1976	An Act to Amend The Gift Tax Act (Manitoba) and The Succession Duty Act (Manitoba), S.M. 1977 (2nd Session), c. 2 The Marital Property Act, S.M. 1978, c. 24 An Act to Amend various Acts relating to Marital Property, S.M. 1978, c. 27 An Act to Amend The Wills Act, S.M. 1980, c. 7
5A	Limitation of Actions for the taking away, conversion or detention of chattels	May 26, 1975	An Act to Amend The Fatal Accidents Act and Limitation of Actions Act, S.M. 1976, c. 41 (ss. 2-4)
	Fifth Annual Report	March 29, 1976	(not applicable)

Report #	Title	Date	Implementation of Commission's Recommendations
#25	The Case for a Provincial Bill of Rights	May 19, 1976	-
#26	Revision of Birth Certificates of Trans-sexual Persons	September 13, 1976	The Vital Statistics Act, S.M. 1982-83-84, c. 58
	Sixth Annual Report	March 14, 1977	(not applicable)
7A	The Local Authorities Election Act	May 31, 1977	An Act to Amend The Local Authorities Election Act, S.M. 1980, c. 48
	Seventh Annual Report	March 1, 1978	(not applicable)
#27	Limitation of Actions: Time Extensions for Children, Disabled Persons and Others	January 8, 1979	An Act to Amend The Limitation of Actions Act, S.M. 1980, c. 28
#28	Enforcement of Judgments Part I: Exemptions under The Garnishment Act	January 8, 1979	An Act to Amend The Garnishment Act, S.M. 1979, c. 8
#29	Emergency Apprehension, Admissions and Rights of Patients under The Mental Health Act	February 12, 1979	An Act to Amend The Mental Health Act, S.M. 1980, c. 62
#30	Confidentiality of Adoption Records	February 12, 1979	An Act to Amend The Child Welfare Act, S.M. 1979, c. 22 (s. 60) An Act to Amend The Child Welfare Act, S.M. 1980, c. 41 Establishment of a Post-adoption Registry
8A	Section 5(1) of The Social Allowances Act	March 30, 1978	The Statute Law Amendment Act (1984), S.M. 1984, c. 17
	Eighth Annual Report	February 12, 1979	(not applicable)
#31	Political Financing and Election Expenses	August 13, 1979	The Elections Finances Act, S.M. 1980, c. 68
#32	Mechanics' Liens Legislation	August 13, 1979	The Builders' Liens Act, S.M. 1980-81, c. 7
#33	Enforcement of Revenue Statutes	August 13, 1979	The Charter Compliance Statute Amendment Act, S.M. 1985, c. 50

Report #	Title	Date	Implementation of Commission's Recommendations
#34	Enforcement of Judgments Part III: Exemptions under The Executions Act	October 22, 1979	An Act to Amend The Executions Act, S.M. 1980, c. 55
#35	Estate Claims for Loss of Expectation of Life	October 22, 1979	An Act to Amend The Fatal Accidents Act and The Trustee Act, S.M. 1980, c. 5
#36	Improved Methods of Enforcing Support Orders Against Real Property	November 19, 1979	The Family Law Amendment Act, S.M. 1980, c. 54
#37	Systems of Voter Registration	November 26, 1979	The Elections Act, S.M. 1980, c. 67
#38	The One Year Rule for Enforcement of Arrears in Maintenance	January 21, 1980	An Act to Amend The Family Maintenance Act and The Queen's Bench Act, S.M. 1980, c. 21
9A	The Fire Departments Arbitration Act	April 17, 1979	An Act to Amend The Fire Departments Arbitration Act, S.M. 1980, c. 27
9B	Section 7 of The Payment of Wages Act	August 15, 1979	An Act to Amend The Payment of Wages Act, S.M. 1980, c. 57
9C	The Seduction Act	October 22, 1979	The Equality of Status Act, S.M. 1982, c. 10
9D	Section 9 of The Manitoba Evidence Act	November 6, 1979	An Act to Amend The Manitoba Evidence Act, S.M. 1980, c. 26
9E	The Wills Act and Ademption	November 20, 1979	An Act to Amend The Wills Act, S.M. 1980, c. 7
9F	The term "illegitimate"	December 4, 1979	(change not recommended)
	Ninth Annual Report	February 25, 1980	(not applicable)
#39	Controverted Elections	April 21, 1980	-
#40	Enforcement of Judgments Part II: Exemptions under The Judgments Act	April 21, 1980	-
#41	The Statute of Frauds	August 11, 1980	An Act to repeal the Statute of Frauds, S.M. 1982-83-84, c. 34
#42	Occupiers' Liability	August 11, 1980	The Occupiers' Liability Act, S.M. 1982-83-84, c. 29; The Statute Law Amendment Act (1984), S.M. 1984, c. 17 (s. 28)

Report #	Title	Date	Implementation of Commission's Recommendations
#43	The Wills Act and the Doctrine of Substantial Compliance	September 8, 1980	The Wills Act, S.M. 1982-83-84, c. 31
#44	The General Register	September 22, 1980	The Real Property Act and Various Other Acts Amendments Act, S.M. 1987, c. 27
#45	Simplified Mortgage	December 15, 1980	(legislative amendment not required)
10A	Municipal Assessment of Personal Property	February 26, 1980	(referred to Special Committee)
10B	The Marriage Settlement Act	October 9, 1980	The Statute Law Amendment Act, S.M. 1980-81, c. 26 (s. 22)
	Tenth Annual Report	February 16, 1981	(not applicable)
#46	Conflict of Interest of Municipal Councillors	April 14, 1981	The Municipal Conflict of Interest Act, S.M. 1982-83-84, c. 44
#47	Prejudgment Compensation on Money Awards: Alternatives to Interest	January 4, 1982	The Judgment Interest and Discount Act, S.M. 1986, c. 39 (implemented in principle) (now contained in Part XIV of The Court of Queen's Bench Act)
#48	Prescriptive Easements and Profits-à-prendre	January 18, 1982	-
#49	The Rules Against Accumulations and Perpetuities	February 12, 1982	The Perpetuities and Accumulations Act, S.M. 1982-83-84, c. 43
#50	Investment Provisions under The Trustee Act	February 12, 1982	An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38
11A	Parents' Maintenance Legislation	March 3, 1981	The Parents' Maintenance Act, S.M. 1985-86, c. 47, s. 34
11B	Provincial Offences Procedures	June 29, 1981	An Act to Amend The Summary Convictions Act, S.M. 1982, c. 24
11C	The Remembrance Day Act	January 28, 1982	-
	Eleventh Annual Report	February 14, 1982	(not applicable)
#51	The Survivorship Act	September 7, 1982	The Survivorship Act, S.M. 1982-83-84, c. 28

Report #	Title	Date	Implementation of Commission's Recommendations
#52	Structure of the Courts, Part I: Amalgamation of the Court of Queen's Bench and the County Courts of Manitoba	October 25, 1982	An Act to Amend The Queen's Bench Act and to repeal The County Courts Act, The Surrogate Courts Act and The County Court Judges' Criminal Courts Act and to amend The Municipal Boundaries Act, S.M. 1982-83-84, c. 82 The Court of Queen's Bench Small Claims Practices Act, S.M. 1982-83-84, c. 83 The Court of Queen's Bench Surrogate Practice Act, S.M. 1982-83-84, c. 84 An Act to amend Various Acts of the Legislature to facilitate the Reorganization and Expansion of the Court of Queen's Bench, S.M. 1982-83-84, c. 85
#53	The Law of Domicile	December 1, 1982	The Domicile and Habitual Residence Act, S.M. 1982-83-84, c. 80.
#54	Certificates of Lis Pendens	February 1, 1983	The Court of Queen's Bench Act, S.M. 1988-89, c. 4 (s. 58)
#55	Structure of the Courts, Part II: The Adjudication of Smaller Claims	March 7, 1983	The Statute Law Amendment Act (1985), S.M. 1985, c. 51
	Twelfth Annual Report	April 11, 1983	(not applicable)
#56	Medical Privilege	October 4, 1983	(privilege not recommended)
#57	Uniform Sale of Goods Act	November 1, 1983	-
	Thirteenth Annual Report	April 2, 1984	(not applicable)
#58	Administrative Law; Part I: Procedures of Provincial Government Agencies	June 29, 1984	(legislative amendment not required); implementation, in part, through governmental policy
#59	Breach of Promise to Marry	October 1, 1984	The Family Law Amendment Act, S.M. 1987, c. 21
#60	An Examination of The Dower Act	November 19, 1984	The Homesteads, Marital Property Amendment and Consequential Amendments Act, S.M. 1992, c. 46

Report #	Title	Date	Implementation of Commission's Recommendations
#61	Intestate Succession	March 25, 1985	The Intestate Succession and Consequential Amendments Act, S.M. 1989-90, c. 43
14A	Jactitation of Marriage	October 5, 1984	The Family Law Amendment Act, S.M. 1987, c. 21
	Fourteenth Annual Report	April 2, 1985	(not applicable)
#62	Small Projects 1) Section 6 of The Mercantile Law Amendment Act 2) The Rule in Shelley's Case 3) Permissive and Equitable Waste	October 7, 1985	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
#63	The Testators Family Maintenance Act	December 16, 1985	The Dependants Relief Act, S.M. 1989-90, c. 42
#64	The Married Women's Property Act and Related Matters	December 16, 1985	-
#65	Section 83 of The Queen's Bench Act	March 31, 1986	The Statute Law Amendment Act (1986), S.M. 1986-87, c. 19 (s. 12)
#66	The Human Tissue Act	March 31, 1986	The Human Tissue Act, S.M. 1987, c. 39; The Human Tissue Amendment Act, S.M. 1989-90, c. 28 An Act to Amend The Anatomy Act, S.M. 1987, c. 57
15A	Section 300 of The Liquor Control Act	June 17, 1985	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Fifteenth Annual Report	May 6, 1986	(not applicable)
#67	Sections 33 and 34 of The Wills Act	June 16, 1986	The Statute Law Amendment Act (1987), S.M. 1987-88, c. 66 (s. 25); The Wills Amendment Act, S.M. 1989-90, c. 44
#68	Periodic Payment of Damages	March 31, 1987	The Court of Queen's Bench and Consequential Amendments Act, S.M. 1993, c. 19
#69	Administrative Law, Part II: Judicial Review of Administrative Action	March 31, 1987	-
	Sixteenth Annual Report	April 13, 1987	(not applicable)

Report #	Title	Date	Implementation of Commission's Recommendations
17A	The Wages Recovery Act	September 9, 1987	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Seventeenth Annual Report	September 14, 1988	(not applicable)
#70	The Manitoba Law Reform Commission: A Framework for the Future	November 23, 1988	The Law Reform Commission Act, S.M. 1989-90, c. 25
#71	The Bulk Sales Act	December 21, 1988	The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32
	Eighteenth Annual Report	August 8, 1989	(not applicable)
#72	The Independence of Provincial Judges	June 28, 1989	The Provincial Court Amendment Act, S.M. 1989-90, c. 34; The Provincial Court Amendment Act, S.M. 1994, c. 14
	Nineteenth Annual Report	May 15, 1990	(not applicable)
#73	Statutory Designations and The Retirement Plan Beneficiaries Act	October 23, 1990	The Retirement Plan Beneficiaries Act, S.M. 1992, c. 31
20A	Limitation of Actions Brought by the Crown	September 27, 1990	-
20B	Replevin and the Need for Prior Possession	January 28, 1991	(change not recommended)
	Twentieth Annual Report	March 31, 1991	(not applicable)
#74	Self-Determination in Health Care (Living Wills and Health Care Proxies)	June 25, 1991	The Health Care Directives and Consequential Amendments Act, S.M. 1992, c. 33
#75	The Independence of Justices of the Peace and Magistrates	August 15, 1991	The Provincial Court Amendment Act (Justices of the Peace), S.M. 2005, c. 8
#76	Sterilization and Legal Incompetence	January 27, 1992	(change not recommended)
	Twenty-first Annual Report	March 31, 1992	(not applicable)
#77	Non-charitable Purpose Trusts	September 21, 1992	-
#78	Tort Liability for Animals	November 23, 1992	The Animal Liability and Consequential Amendment Act, S.M. 1998, c. 8
#79	Ethical Investments by Trustees	January 25, 1993	The Trustee Amendment Act, S.M. 1995, c. 14

Report #	Title	Date	Implementation of Commission's Recommendations
22A	Scope of Apportionment under The Tortfeasors and Contributory Negligence Act	June 22, 1992	-
22B	Section 23 of The Wills Act Revisited	December 14, 1992	The Wills Amendment Act, S.M. 1995, c. 12
	Twenty-second Annual Report	March 31, 1993	(not applicable)
#80	Privity of Contract	October 5, 1993	-
#81	Distress for Rent in Commercial Tenancies	January 4, 1994	-
#82	Pre-contractual Misstatements	March 7, 1994	-
#83	Enduring and Springing Powers of Attorney	March 29, 1994	The Powers of Attorney and Mental Health Amendment Act, S.M. 1996, c. 62
	Twenty-third Annual Report	March 31, 1994	(not applicable)
#84	Regulating Professions and Occupations	October 28, 1994	Partly implemented, in principle, by amendments to various Acts of the Legislature
#85	Arbitration	November 28, 1994	The Arbitration and Consequential Amendments Act, S.M. 1997, c. 4
#86	Covenants in Commercial Tenancies	March 28, 1995	-
24A	A Small Discrepancy between The Elections Act and The Local Authorities Election Act	April 26, 1994	-
24B	Lapsed Residual Gifts in Wills	May 16, 1994	(no longer required due to *Re Smith and McKay* (1994), 116 D.L.R. (4th) 308 (Man. C.A.))
24C	Security for the Administration of Estates	October 6, 1994	-
	Twenty-fourth Annual Report	March 31, 1995	(not applicable)
#87	Interim Payment of Damages	June 6, 1995	-
#88	Reselling Unused Cemetery Plots	September 21, 1995	-
#89	The Trust Provisions in The Perpetuities and Accumulations Act	September 21, 1995	-
#90	Residential Exemptions from Judgment Execution	October 17, 1995	-

Report #	Title	Date	Implementation of Commission's Recommendations
#91	Minors' Consent to Health Care	December 12, 1995	-
#92	Fundamental Breach and Frustration in Commercial Tenancies	January 23, 1996	-
#93	Animal Protection	February 13, 1996	The Animal Care Act, S.M. 1996, c. 69
	Twenty-fifth Annual Report	March 31, 1996	(not applicable)
#94	Confidentiality of Mediation Proceedings	April 23, 1996	-
#95	Commercial Tenancies: Miscellaneous Issues	July 29, 1996	-
#96	Special Constables	November 12, 1996	Implemented, in part, through administrative action of the Department of Justice's Law Enforcement Services
#97	Section 270 of The Highway Traffic Act	March 24, 1997	-
#98	Stalking	May 28, 1997	The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendment Act, S.M. 1998, c. 41
	Twenty-sixth Annual Report	June 30, 1997	(not applicable)
#99	Review of the Small Claims Court	March 17, 1998	The Court of Queen's Bench Small Claims Practices Amendment and Parental Responsibility Amendment Act, S.M. 1999, c. 22
	Twenty-seventh Annual Report	March 31, 1998	(not applicable)
#100	Class Proceedings	January 1999	The Class Proceedings Act, S.M. 2001-2002, c. 14
	Twenty-eighth Annual Report	March 31, 1999	(not applicable)
#101	Trustee Investments: The Modern Portfolio Theory	June 1999	-
#102	Informal Assessment of Competence	September 1999	-

Report #	Title	Date	Implementation of Commission's Recommendations
#103	Adult Protection and Elder Abuse	December 1999	-
	Twenty-ninth Annual Report	March 31, 2000	(not applicable)
#104	Compensation of Vaccine-Damaged Children	June 2000	-
#105	Assessment of Damages under *The Fatal Accidents Act* for the loss of Guidance, Care and Companionship	October 2000	The Fatal Accidents Amendment Act, S.M. 2001-2002, c. 13
#106	The Legislative Assembly and Conflict of Interest	December 2000	The Legislative Assembly and Executive Council Conflict of Interest Amendment (Conflict of Interest Commissioner) Act, S.M. 2001-2002, c. 49
	Thirtieth Annual Report	March 31, 2001	(not applicable)
#107	Good Faith and the Individual Contract of Employment	December 2001	-
	Thirty-first Annual Report	March 31, 2002	(not applicable)
#108	Wills and Succession Legislation	March 11, 2003	-
	Thirty-second Annual Report	March 31, 2003	(not applicable)
#109	Withholding or Withdrawing Life Sustaining Medical Treatment	December 18, 2003	-
	Thirty-third Annual Report	March 31, 2004	(not applicable)
#110	Substitute Consent to Health Care	October 26, 2004	-
	Thirty-fourth Annual Report	March 31, 2005	(not applicable)
#111	Costs Awards in Civil Litigation	September 13, 2005	-
#112	Review of The Garnishment Act	December 31, 2005	-
	Thirty-fifth Annual Report	March 31, 2006	(not applicable)